

# Public Notice

U.S. Army Corps of Engineers, Norfolk District

July 17, 2006

CENAO-TS-REG  
06-V1295

## PUBLIC NOTICE

The District Commander has received a permit application for work described below:

### APPLICANT

Chesapeake Oyster Farms  
Jean L. Booth  
24 Glebe Point Lane  
Burgess, VA 22432

WATERWAY AND LOCATION OF THE PROPOSED WORK: The project is located in the Great Wicomico River, a tributary to the Chesapeake Bay, at Burgess, Virginia.

PROPOSED WORK AND PURPOSE: The applicant proposes to introduce 100,000 triploid Suminoe Oysters (*Crassostrea ariakensis*) using aquaculture oyster cages on the hard bottom of her private oyster leases. This method of deployment uses ADPI/OBC bags constructed of rigid polyethylene with varying mesh and bag sizes as the primary method of containment. The bags are secured inside a 3' x 4' cage, with feet, constructed of metal with a total height of about 12" off the bottom. The purpose of the project is to raise oysters to market size for commercial sale.

AUTHORITY: Permits are required pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

FEDERAL EVALUATION OF APPLICATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. The decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected from the proposal must be balanced against its reasonably foreseeable detriments. All of the proposal's relevant factors will be considered, including conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use classification, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an

Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity. Anyone may request a public hearing to consider this permit application by writing to the District Commander within 30 days of the date of this notice, stating specific reasons for holding the public hearing. The District Commander will then decide if a hearing should be held.

Preliminary review indicates that: (1) no environmental impact statement will be required; (2) no species of fish, wildlife, or plant (or their critical habitat) listed as endangered or threatened under the Endangered Species Act of 1973 (PL 93-205) will be affected; and (3) no known properties eligible for inclusion or included in the National Register of Historic Places are in or near the permit area, or would likely be affected by the proposal. Additional information might change any of these findings. For compliance with the Coastal Zone Management Act of 1972, as amended, the applicant must certify that federally licensed or permitted activities affecting Virginia's coastal zone (Tidewater) will be conducted in a manner consistent with the Virginia Coastal Resources Management Program (VCP). For more information or to obtain a list of the enforceable programs of the VCP, contact the Department of Environmental Quality, Office of Environmental Impact Review at (804) 698-4330 or e-mail: [elirons@deq.virginia.gov](mailto:elirons@deq.virginia.gov).

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267), requires all Federal agencies to consult with the National Marine Fisheries Service on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). The Great Wicomico River contains Essential Fish Habitat (EFH) for egg, larval, juvenile, and adult life stages of eleven species including windowpane flounder, bluefish, Atlantic butterflyfish, summer flounder, black sea bass, king mackerel, Spanish mackerel, cobia, red drum, dusky shark, and the sandbar shark. The habitat which this project would affect consists of shallow water and mud flats. The proposed project is described in Proposed Work and Purpose, above. Our assessment of this project and the National Marine Fisheries Service determination of the similar 2006 Virginia Seafood Council (VSC) project just authorized leads us to a preliminary determination that this project, like the VSC project, will not have a substantial adverse effect on EFH and therefore expanded EFH consultation is not required. Based on comments from the National Marine Fisheries Service in response to this public notice, further EFH consultation may be necessary.

COMMENT PERIOD: Comments on this project should be made in writing, addressed to the Norfolk District, Corps of Engineers (ATTN: CENAO-TS-REG), 803 Front Street, Norfolk, Virginia 23510-1096, and should be received by the close of business on August 15, 2006.

If you have any questions about this project or the permit process, please call:  
Peter Kube at 757 201-7504.

FOR THE DISTRICT COMMANDER:

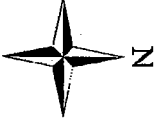
Michael A. Schwinn  
Chief, Western Virginia  
Regulatory Section

Attachment: Drawings

Section A

Northumberland County

Virginia Department of Health  
Upper Great Wicomico River  
Condemned Shellfish Area Number 013-089  
23 June 2006



- Condemned Shellfish Areas  
(Sections A - H)
- Seasonally Condemned Shellfish Areas  
(Sections M1 & M2)

Geographic coordinates in NAD83 datum;  
shown in degrees, minutes & seconds.

*Red X marks three areas of deployment.*

